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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/895,291	06/29/2001	Hani El-Gebaly	10559-492001	7195

45459 7590 12/12/2006

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EXAMINER
DUONG, FRANK

ART UNIT	PAPER NUMBER
2616	

DATE MAILED: 12/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/895,291	EL-GEBALY ET AL.	
	Examiner	Art Unit	
	Frank Duong	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 October 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-5,7-19 and 21-31* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5, 7-19, 21-31* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This Office Action is a response to the communications dated 09/28/06. Claims 1-5, 7-19, 21-31 are pending in the application.

Drawings

2. The drawings were received on 09/28/06. These drawings are approved.

Claim Rejections - 35 USC § 101

3. Claims 12-18 and 31 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. "A client application" as recited in claims 12-18, considered in view of the description on page 9 of the specification and in reference to Fig. 4, is a software or computer program per se. The computer program per se claims without the computer-readable medium needed to realize the computer program's functionality is non-statutory. The newly added terms "client system" and "a computer platform" are equated to correspond to computer software, i.e., Microsoft Windows or Linux, because they are not associated or modified by any physical structures or elements of an apparatus or a system.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-4, 12 and 14-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Huitema et al (AN ARCHITECTURE FOR RESIDENTIAL INTERNET TELEPHONE SERVICE, IEEE, pages 73-82, 1999) (hereinafter "Huitema").

Regarding **claim 1**, in accordance with Huitema reference entirety, Huitema shows a system (Figures 2 & 3) comprising:

a stimulus client (RGW), executing on a computer platform (*page 75, left column, it is disclosed RGW has applications (computer platform)* to support user's needs), configured to receive user input (User A) (*Digits dialed*) requesting an Internet Protocol (IP) telephony service and communicate the received user input over a packet-based network using a standard call control protocol (MGCP) (*page 79, right column, in reference to Figure 2, it is disclosed when the caller goes off hook, the RGW sends a Notify message to the call agent that an off-hook event has occurred. The call agent immediately acknowledges that notification and examines the services associated with an off-hook action*); and

a call agent (*Call agent*), executing on a remote server connected to the packet-based network (*Voice IP network*) (*see Figure 1 for location/connection details*), configured to perform the requested IP telephony service based on the received user input, wherein the received user input comprises Dual Tone Multi-Frequency DTMF input (*page 79, right column, in reference to Figure 2, it is disclosed the call agent provides dialing plan, requests that the gateway plays a dial tone, and set up a*

connection responsive to the receipt of the dialed digits from the user byway of RGW. The dialed digits is the DTMF input from the user).

Regarding **claim 2**, in addition to features recited in base claim 1 (see rationales discussed above), Huitema further shows he stimulus client comprises an application layer configured to communicate with an end-user (*not shown; inherent as discussed on page 75 pertaining the Residential Gateway functionalities including capturing events associated with an IP telephony subscriber and working with the IP network to signal these events to the call agent*) and a call control protocol stack configured to communicate with the call agent using the standard call control protocol (MGCP) (*not shown; inherent as depicted in the dotted lines signaling between RGW and Call Agent in Figure 1 using MGCP*).

Regarding **claim 3**, in addition to features recited in base claim 2 (see rationales discussed above), Huitema further shows the stimulus client's call control protocol stack comprises a Media Gateway Control Protocol (MGCP) stack (*not shown; inherent as depicted in the dotted lines signaling between RGW and Call Agent in Figure 1 using MGCP*).

Regarding **claim 4**, in addition to features recited in base claim 2 (see rationales discussed above), Huitema further shows the stimulus client's call control protocol stack comprises an ITU-T H.248 stack (H.248 is equated to correspond to "MGCP". Thus, same rationales discussed above are applied).

Regarding **claim 12**, in accordance with Huitema reference entirety, Huitema discloses a client system (RGW) comprising: a client application on a computer

platform (*RGW is disclosed on page 75, left column and thereinafter to include MGCP for setting up calls*), the client application comprising: an application layer configured to receive Dual Tone Multi-Frequency (DTMF) input corresponding to a requested Internet Protocol (IP) telephony service (*page 79, right column, in reference to Figure 2, it is disclosed when the caller goes off hook, the RGW sends a Notify message to the call agent that an off-hook event has occurred. The call agent immediately acknowledges that notification and examines the services associated with an off-hook action. In addition, application layer is not shown, but inherent because on page 75 pertaining the Residential Gateway functionalities, it is disclosed the capturing events associated with an IP telephony subscriber and working with the IP network to signal these events to the call agent are included in the Residential Gateway)*; and

a call control protocol stack configured to communicate the received DTMF input to a feature server (Call agent) over a packet-based network (Voice IP network) using a standard call control protocol (MGCP) (*page 79, right column, in reference to Figure 2, it is disclosed the call agent provides dialing plan, requests that the gateway plays a dial tone, and set up a connection responsive to the receipt of the dialed digits from the user byway of RGW. The dialed digits are the DTMF input from the user. In addition, as depicted in Figure 1 dotted line, the RGW communicates with the call agent using MGCP).*

Regarding **claim 14**, in addition to features recited in base claim 12 (see rationales discussed above), Huitema further shows the call control protocol comprises a Media Gateway Control Protocol (MGCP) (*see Figure 1; MGCP*).

Regarding **claim 15**, in addition to features recited in base claim 12 (see rationales discussed above), Huitema further shows the call control protocol comprises an ITU-T H.248 stack (*H.248 is equated to correspond to "MGCP". Thus, same rationales discussed above are applied*).

Regarding **claim 16**, in addition to features recited in base claim 12 (see rationales discussed above), Huitema further shows substantially absent software infrastructure for performing IP telephony services locally (*see Figures 1, 2 and 3, Huitema shows no IP telephony software in RGW. In addition, on page 75, left column, it is disclosed the RGW has limited functionality*).

Regarding **claim 17**, in addition to features recited in base claim 12 (see rationales discussed above), Huitema further shows a set of interpreted commands (*the interpreted commands are depicted in Figures 3 and 4, i.e., Off hook, Provide dial tone and collect digits ...etc*).

Regarding **claim 18**, in addition to features recited in base claim 12 (see rationales discussed above), Huitema further shows an applet performed by a virtual machine (*this limitation is equate to corresponding to computer program running on the RGW*).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 5, 13 and 24-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huitema in view of Barker et al (USP 6,470,020) (hereinafter "Barker").

Regarding **claim 5**, in addition to features recited in base claim 2 (see rationales discussed above), Huitema fails to further disclose the application layer comprises a user interface having a plurality of graphical controls. However, such limitation lacks thereof from the Huitema's teaching is well known and taught by Barker.

In an analogous art, Barker teaches an apparatus and method for integrating stimulus signalling protocol systems with message protocol systems, comprising, among other things, the limitation of "*the application layer comprises a user interface having a plurality of graphical controls*" ('*020, Figure 7 and col. 6, lines 29-34 and thereinafter*) to provide a system that is compatible with message protocol systems ('*020, col. 3, lines 36-41*).

Thus, it would have been obvious to those skilled in the art at the time of the invention to implementing Barker's teaching into Huitema's to arrive the claimed invention with a motivation to provide a system that is compatible with message protocol systems ('*020, col. 3, lines 36-41*).

Regarding **claim 13**, in addition to features recited in base claim 12 (see rationales discussed above), Huitema fails to further disclose the application layer comprises a user interface having a plurality of graphical controls. However, such limitation lacks thereof from the Huitema's teaching is well known and taught by Barker.

In an analogous art, Barker teaches an apparatus and method for integrating stimulus signalling protocol systems with message protocol systems, comprising, among other things, the limitation of "*the application layer comprises a user interface having a plurality of graphical controls*" (*'020, Figure 7 and col. 6, lines 29-34 and thereinafter*) to provide a system that is compatible with message protocol systems (*'020, col. 3, lines 36-41*).

Thus, it would have been obvious to those skilled in the art at the time of the invention to implementing Barker's teaching into Huitema's to arrive the claimed invention with a motivation to provide a system that is compatible with message protocol systems (*'020, col. 3, lines 36-41*).

Regarding **claim 24**, in accordance with Huitema reference entirety, Huitema discloses computer software stored in a computer-readable medium comprising:

receive from a user Dual Tone Multi-Frequency (DTMF) input corresponding to a requested IP telephony service; and communicate the received DTMF input to a feature server (Call agent) over a packet-switched network (*Voice IP network*) using a standard call control protocol (*MGCP*) (*page 79, right column, in reference to Figure 3, it is disclosed the call agent provides dialing plan, requests that the gateway plays a dial tone, and set up a connection responsive to the receipt of the dialed digits from the user byway of RGW. The dialed digits are the DTMF input from the user. In addition, as depicted in Figure 1 dotted line, the RGW communicates with the call agent using MGCP).* Huitema fails to further disclose the limitation of "*present a telephony user interface that includes graphical controls for receiving input from a user*". However,

such limitation lacks thereof from Huitema's teaching is well known and taught by Baker.

In an analogous art, Barker teaches an apparatus and method for integrating stimulus signalling protocol systems with message protocol systems, comprising, among other things, the limitation of "*the application layer comprises a user interface having a plurality of graphical controls*" (*'020, Figure 7 and col. 6, lines 29-34 and thereinafter*) (corresponding to "*present a telephony user interface that includes graphical controls for receiving input from a user*") to provide a system that is compatible with message protocol systems (*'020, col. 3, lines 36-41*).

Thus, it would have been obvious to those skilled in the art at the time of the invention to implementing Barker's teaching into Huitema's to arrive the claimed invention with a motivation to provide a system that is compatible with message protocol systems (*'020, col. 3, lines 36-41*).

Regarding **claim 25**, in addition to features recited in base claim 24 (see rationales discussed above), Huitema in view of Barker further discloses instructions to receive information from the feature server and use the received information to control elements of the telephony user interface (*Huitema, Figure 3 or 4; Provide dial tone and collect digits*).

Regarding **claim 26**, in addition to features recited in base claim 24 (see rationales discussed above), Huitema in view of Barker further discloses the standard call control protocol comprises a stimulus protocol (*Huitema, Fig. 1; dotted line (MGCP)*.

Regarding **claim 27**, in addition to features recited in base claim 24 (see rationales discussed above), Huitema in view of Barker further discloses the standard call control protocol comprises a Media Gateway Control Protocol (MGCP) (*Huitema, Fig. 1; dotted line (MGCP)*.

Regarding **claim 28**, in addition to features recited in base claim 24 (see rationales discussed above), Huitema in view of Barker further discloses the standard call control protocol comprises an ITU-T 11.248 protocol.

Regarding **claim 29**, in addition to features recited in base claim 24 (see rationales discussed above), Huitema in view of Barker further discloses the instructions to communicate the received DTMF input to the feature server comprise a call control protocol stack.

6. Claims 7-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huitema in view of "Kaczmarczyk et al (USP 6,950,441) (hereinafter "Kaczmarczyk").

Regarding **claim 7**, in addition to features recited in base claim 1 (see rationales discussed above), Huitema fails to further teach the limitations of "*the call agent comprises: a feature server configured to provide telephony services to telephony endpoints; a signaling gateway configured to facilitate communication between the feature server and one or more endpoints; and one or more call control protocol stacks configured to facilitate signaling between the call agent and the one or more endpoints*". However, such limitations lack thereof from Huitema is well known and disclosed by Kaczmarczyk.

In an analogous art, Kaczmarczyk shows a softswitch ('441, Fig. 4) comprising, among other things, the limitations of "the call agent (140) comprises: a feature server (106) configured to provide telephony services to telephony endpoints; a signaling gateway (138) configured to facilitate communication between the feature server and one or more endpoints; and one or more call control protocol stacks (146) configured to facilitate signaling between the call agent and the one or more endpoints" (see '441, col. 5, line 45 to col. 6, line 10 for description of softswitch of Fig. 4). The Kaczmarczyk's softswitch provides transparent bridging of the media, control and application layers between IN (Intelligent Network) and IP networks *('441, col. 1, lines 65-67*).

Thus, it would have been obvious to those skilled in the art at the time of the invention to implement Kaczmarczyk's teaching into Huitema's or to replace Huitema's RGW and Call agent with Kaczmarczyk's softswitch to arrive the claimed invention with a motivation to provide transparent bridging of the media, control and application layers between IN (Intelligent Network) and IP networks *('441, col. 1, lines 65-67*).

Regarding **claims 8-11**, in addition to features recited in base claim 7 (see rationales discussed above), Huitema in view of Kaczmarczyk further discloses supplementary services to include H.450, MGCP, H.238, SIP and H.323 (see '441, Fig. 4).

7. Claims 19, 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huitema in view of the admitted prior art.

Regarding **claim 19**, in accordance with Huitema reference entirety, Huitema discloses a method (*Figure 3 or 4*) comprising:

receiving at the IP telephony client input from a user (User A) identifying a telephony service (*Dial tone and Digits*); communicating the received input (Digits dialed) to a feature server (Call agent); and based on the communicated input, performing the identified telephony service at the feature server (Call Agent), wherein the received user input comprises Dual Tone Multi-Frequency (DTMF) input (*page 79, right column, in reference to Figure 2, it is disclosed the call agent provides dialing plan, requests that the gateway plays a dial tone, and set up a connection responsive to the receipt of the dialed digits from the user byway of RGW. The dialed digits are the DTMF input from the user. In addition, as depicted in Figure 1 dotted line, the RGW communicates with the call agent using MGCP).* Huitema fails to explicitly disclose the limitation of "*in response to receiving user input requesting initiation of Internet Protocol (IP) telephony service, downloading and launching an IP telephony client application to a computer platform associated with the user*". However, such limitation lacks thereof from Huitema's teaching is well known and disclosed in the admitted prior art (*instant application, page 3, paragraph [0010]*) to provide the user a way of downloading software for IP telephony service from any personal computer.

Thus, it would have been obvious to those skilled in the art at the time of the invention to implement the teaching of the admitted prior art into Huitema's to arrive the claimed invention with a motivation to provide the user a way of downloading software for IP telephony service from any personal computer.

Regarding **claim 21**, in addition to features recited in base claim 19 (see rationales discussed above), Huitema in view of the admitted prior art also discloses transparently downloading, from a user's perspective, a set of commands to be interpreted and performed by a process executing on a computer platform associated with the user (*note: transparent downloading feature is commonly or inherently from downloading software from a website and the interpreted commands are depicted in Figures 3 and 4, i.e., Off hook, Provide dial tone and collect digits ...etc*).

Regarding **claim 22**, in addition to features recited in base claim 21 (see rationales discussed above), Huitema in view of the admitted prior art also discloses the set of commands comprises an applet to be performed by a virtual machine executing on the computer platform associated with the user (*this limitation is equate to corresponding to computer program running on the Huitema's RGW*).

Regarding **claim 23**, in addition to features recited in base claim 19 (see rationales discussed above), Huitema in view of the admitted prior art also discloses the IP telephony client communicates with the feature server using a standard call control protocol (see *Figure 1, dotted line, the RGW communicates with the call agent using MGCP).*

8. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Huitema in view of Barker as applied to claim 24 above, and further in view of the admitted prior art of record.

Regarding **claim 30**, in addition to features recited in base claim 24 (see rationales discussed above), Huitema in view of Barker fails to further teach "*instructions to receive user input requesting initiation of Internet Protocol (IP) telephony service and, in response to the received user input, download and launch an IP telephony client application*". However, such limitation lacks thereof from Huitema in view of Barker is well known and taught in the admitted prior art (*instant application, page 3, paragraph [0010]*) to provide the user a way of downloading software for IP telephony service from any personal computer.

Thus, it would have been obvious to those skilled in the art at the time of the invention to implement the teaching of the admitted prior art into Huitema's to arrive the claimed invention with a motivation to provide the user a way of downloading software for IP telephony service from any personal computer.

Response to Arguments

9. Applicant's arguments filed 09/28/06 have been fully considered but they are not persuasive.

In the Remarks of the outstanding response pertaining the 35 U.S.C § 101 rejection of claims 12-18 and 31, Applicants state the amended claim 12, drawn to a client system comprising a client application residing on a computer platform and not to a computer program per se, overcomes the rejection.

Examiner respectfully disagrees for the rationales above discussed in section 3.

On page 9 of the response pertaining the rejection of base claim 1 under 35 U.S.C § 102(b) as being anticipated by Huitema et al, Applicants argue "*Huitema does not disclose a stimulus client executing on a computer platform, as recited in amended claim 1*" and "*Applicant's respectfully point out that Huitema does not disclose that the RGW is implemented as a computer platform that is capable of downloading and executing software applications.*"

In response Examiner respectfully disagrees and asserts, Huitema as clearly pointed out in the Office Action as discussed above does indeed disclosed the claimed invention in a manner set forth as in claim 1. In Huitema, on page 75, left column recites (verbatim) "*The residential gateway is responsible for capturing events associated with an IP telephony subscriber (going on-hook, for example) and working with the IP network to signal these events to the call agent,*" and "*RGW may have additional capabilities depending on customer's needs. For example, an RGW may support voice and video interfaces, home networking, applications such as remote access for energy control, and other capabilities.*" The recitations clearly point out that the RGW is implemented as a computer platform. As for the argument that the RGW is not capable of downloading and executing software applications, examiner's response is that perhaps Applicants refer to certain features that are disclosed in the present application but not recited in the reject claims in making the contention that the Huitema reference fails to show certain feature of Applicants' invention. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See In re Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Also, on page 9 of the response pertaining the rejection of base claim 12, Applicants argue, "*Huitema does not disclose a client system comprising a client application residing on computer platform, as recited in amended claim 12.*"

In response Examiner respectfully disagrees and asserts, as clearly pointed out above, the Huitema does indeed disclose the claimed invention in a manner as recited in the amended base claim 12. Moreover, the amended claim 12 has not overcome the 101 problems as asserted by the Applicants. Please see rationales discussed above.

On page 10 of the response, pertaining the rejection of claims 5, 13, 24-29 under 35 U.S.C. § 103(a) as being unpatentable over Huitema in view of Barker, Applicants state "*the intended purpose of the RGW in Huitema appears to be a special-purpose device that provides both an IP telephony connection and a PSTN connection. If the RGW in Huitema was replaced with the IP Centrex client disclosed in Barker, it appears that the system of Huitema would be rendered unsatisfactory for its intended purpose.*"

Examiner agrees that the RGW in Huitema provides both an IP telephony connection and a PSTN connection. That is commonly known functionality of a residential gateway providing user options to connect to either a regular PSTN network or a packet data network, the Internet. There is no doubt that the residential gateway is a computer-based device. Thus, it must have a telephony application running on it as well as be able to provide interface to or with other devices, i.e., older generation phone. Huitema et al discloses this on page 75 (Residential Gateway). Huitema, as clearly pointed out in the Office Action, fails to discuss the telephony application "*comprising a user interface having a plurality of graphical controls*" as called for in dependent claims

5, 13 and 24-29. However, the Office Action does also state that this missing limitation is so very well known and taught by Barker. Implementing Barker's teaching, as clearly pointed out in the Office Action, not replace the Huitema's RGW with Barker's IP Centrex client as alleged by the Applicant, to arrive the claimed invention would have been obvious to those skilled in the art. Therefore, the Applicants' statement "*If the RGW in Huitema was replaced with the IP Centrex client disclosed in Barker, it appears that the system of Huitema would be rendered unsatisfactory for its intended purpose*" is not true.

On page 11 of the response, Applicants discuss the H.323 taught by Barker and the H.323 taught by Huitema in Figure 5 and argue "*one of ordinary in the art would not have been motivated to ... case of obviousness.*"

Examiner is puzzled about this argument. The missing element/step/limitation in Huitema reference is the telephony graphical user interface. This missing limitation, as previously discussed, is so well known and taught by Barker, for instant. Therefore, as pointed out in the Office Action, it is obvious to those skilled in the art to implement Barker's teaching into Huitema's RGW to arrive the claimed invention. Examiner asserts the proposed combination of references does indeed clearly establish a prima facie case of obviousness.

On page 11, pertaining the rejection of claims 7-11, Applicants merely state "*Even if Kaczmzarczyk were combined with Huitema, the combination would not result in a stimulus client, executing on a computer platform, which is configured to receive a*

DTMF input and to communicate the DTMF input over a packet-based network to a call agent."

The argument has been noted. The claimed limitations in claims 7-11 direct to well known features in a communication network using MGCP protocol, i.e., RFC 2705 drafted by Huitema and associated (*accompanied this Office Action to support Examiner's position*) or Kaczmzarczyk's system. Therefore, as pointed out in the Office Action, the proposed combination of references does indeed arrive the claimed invention as well as clearly establish a prima facie case of obviousness.

On pages 11-12, pertaining the rejection of claims 19 and 21-23, Applicants argue "*Huitema fails to disclose a computer platform to which an IP telephony client application can be downloaded and launched. The residential gateway ... Nothing in Huitema suggests that the RGW has the ability to download and launch software in response to a user request. The Office Action relies on Admitted Prior Art and refers to paragraph 0010 of the present invention. Applicants respectfully submit that paragraph 0010 describes a process of downloading an IP telephony client according to an embodiment of the invention and never admits to any prior art.*"

The Huitema, as discussed above, fails to indeed teach the download and launch software in response to a user request. However, the Huitema's RGW has very much capability to do so as disclosed on page 75 [RGW's capabilities]. In the specification of the instant application, it is disclosed that Fig. 2 is the admitted prior art. Paragraph [0004] states "*Fig. 2 shows an example of a **typical** user interface presented by an IP telephony.*" The accompanied description pertaining Fig. 2, on page 3, paragraph

[0010] does also state the prior art procedure of doing IP telephony is for a user to visit a vendor webpage, download and run or install a client application. Doing so would result in a static copy of the client application residing on the user's computer system. The instant application tries to overcome this disadvantage. Thus, contradistinction to the Applicants' allegation, the applied portion of the specification is indeed the admitted prior art.

As per newly added claim 31, it appears the claim better reflects the disclosed invention. Applicants should further amend the base claim to overcome the above problem and incorporate the claimed subject to better distinguish the claimed invention from that known in the prior art.

Examiner believes an earnest attempt in addressing all of the Applicants' arguments. Due to the response fails to place the application in a favorable condition for allowance and the arguments are not persuasive, the rejection is maintained.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Rogers et al (USP 7,110,391).

Schulzrinne et al, The Session Initiation Protocol: Internet-Centric Signaling, IEEE, pages 2-9, October 2000.

Huitema et al, Media Gateway Control Protocol (MGCP) Version 1.0, RFC 2705, pages 1-134, October 1999.

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frank Duong whose telephone number is 571-272-3164. The examiner can normally be reached on 7:00AM-3:30PM, Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on 571-272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

FRANK DUONG
PRIMARY EXAMINER

November 27, 2006